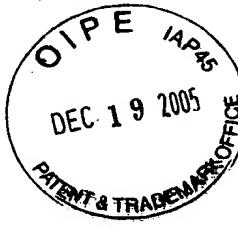


JFW  
AF

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ulrich UPMAYER  
 Application No.: 09/914,773  
 Filed: September 4, 2001  
 For: SHELF STACKING MACHINE

Conf. No. 4160



Art Unit: 3652  
 Examiner: T. BRAHAN  
 Washington, D.C.  
 Atty.'s Docket: UPMAYER=4  
 Date: December 19, 2005

THE COMMISSIONER OF PATENTS  
 Customer Service Window  
 Randolph Building, Mail Stop AF  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] Amendment Under 37 C.F.R. §1.116 [ ]

in the above-identified application.

 Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27. No additional fee is required. The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2)	(Col. 3) HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 14	MINUS	** 20	0
INDEP.	* 1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 25	\$		x 50	\$
x 100	\$		x 200	\$
+ 180	\$		+ 360	\$
ADDITIONAL FEE TOTAL			TOTAL	

 If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3. If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space. If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

 Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

 It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

- [ ] First - \$ 60.00
- [ ] Second - \$ 225.00
- [ ] Third - \$ 510.00
- [ ] Fourth - \$ 795.00

## Month After Time Period Set

 Less fees (\$ \_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.

## Other Than Small Entity

## Response Filed Within

- [ ] First - \$ 120.00
- [ ] Second - \$ 450.00
- [ ] Third - \$ 1020.00
- [ ] Fourth - \$ 1590.00

## Month After Time Period Set

 Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_. Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ \_\_\_\_\_. A check in the amount of \$ \_\_\_\_\_ is attached (check no. ).

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By: Jay M. Finkelstein  
 Jay M. Finkelstein  
 Registration No. 21,082

Facsimile: (202) 737-3528  
 Telephone: (202) 628-5197



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

ATTY.'S DOCKET: UPMEYER=4

In re Application of: ) Art Unit: 3652  
Ulrich UPMEYER )  
Appln. No.: 09/914,773 ) Examiner: T. BRAHAN  
Filed: September 4, 2001 ) Washington, D.C.  
For: SHELF STACKING MACHINE ) Confirmation No. 4160  
 ) December 19, 2005  
 )

**AMENDMENT UNDER 37 CFR §1.116**

Honorable Commissioner for Patents  
Customer Service Window  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Examiner's Action dated September 23, 2005, kindly amend the above-identified Application as follows:

**Amendments to the specification** appear on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Amendments to the drawings** begin on page 8 of this paper and include an attached replacement sheet.

**Remarks/Arguments** begin on page 9 of this paper.

An **Appendix** containing amended Fig. 2 is attached following page 16 of this paper.